

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NICOLE GARCIA,	:	Civil No. 1:23-cv-1234
	:	
Plaintiff,	:	
	:	(Judge Sylvia H. Rambo)
v.	:	
	:	
DAUPHIN COUNTY	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 4th day of October, 2023, upon consideration of Magistrate Judge Arbuckle's Report and Recommendation (Doc. 6), which concludes, upon a legally mandated screening of the complaint under 28 U.S.C. § 1915(e), that this action is frivolous and recommends that it be dismissed with prejudice, and noting that Plaintiff Nicole Garcia has not filed objections to the Report and Recommendation and the time for doing so has passed, and the court having satisfied itself that there is no clear error on the face of the record, Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error), **IT IS HEREBY ORDERED** as follows:

- 1) The Report and Recommendation (Doc. 6) is **ADOPTED**;
- 2) The complaint (Doc. 1) is **DISMISSED** without leave to amend;

- 3) The Clerk of Court is **DIRECTED** to close this case; and
- 4) The court declines to issue a certificate of appealability, as Garcia has failed to demonstrate a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also* *Buck v. Davis*, 137 S.Ct. 759, 773-75 (2017); *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge